

Message Text

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INFO OCT-01 ISO-00 DODE-00 OIC-02 DHA-05 CU-04 BIB-01
CIAE-00 PM-05 INR-07 L-03 ACDA-07 NSAE-00 PA-01
SS-15 PRS-01 SP-02 USIA-06 TRSE-00 HEW-04 IO-13
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R 091833Z SEP 77
FM USMISSION NATO
TO SECSTATE WASHDC 5783
INFO AMEMBASSY BELGRADE
AMEMBASSY BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 NATO 08643

BELGRADE FOR USDEL CSCE

E.O. 11652: GDS
TAGS: CSCE, NATO
SUBJECT: BELGIAN PROPOSAL FOR AN EXPERTS MEETING ON
HUMAN RIGHTS

REF: (A) NATO 8582, (B) NATO A-279 OF 27 JUNE 1977

THERE FOLLOWS AN INFORMAL MISSION TRANSLATION OF THE TEXT
OF A PROPOSAL FOR AN EXPERTS MEETING ON HUMAN RIGHTS
CIRCULATED BY THE BELGIAN DELEGATION AT THE SEPTEMBER 7
EXPERTS MEETING ON CSCE (SEE PARA 9 REF A). THIS IS
ESSENTIALLY THE SAME PAPER THAT THE BELGIAN DELEGATION
CIRCULATED TO POLADS IN JUNE (FRENCH TEXT IS REF B)
BEGIN TEXT:

- HUMAN RIGHTS

- PROPOSAL TO BE SUBMITTED AT BELGRADE

1. THE AIM OF THE PROPOSAL IS TO ENCOURAGE ALL THE
NATIONS WHICH SIGNED THE FINAL ACT AT HELSINKI TO RESPECT
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AND APPLY IN A MORE ADEQUATE WAY THE PRINCIPLE OF HUMAN
RIGHTS AS IT IS WRITTEN INTO THE DECLARATION OF PRINCIPLE
IN THE FINAL ACT.

TO ACHIEVE THIS END, WE SHOULD TRY, AMONG OTHER THINGS, TO
KEEP THIS MATTER TOPICAL.

THE CREATION OF A GROUP OF EXPERTS (A GATHERING OF EXPERTS IS THE TERM IN THE FINAL ACT) COULD BE ONE OF THE MEANS FOR ATTAINING THIS GOAL.

2. THE OBJECTIVE, THE AGENDA, OF THIS MEETING SHOULD BE:

A. TO STUDY THE WAY IN WHICH THIS PRINCIPLE IS RESPECTED

- AND APPLIED IN THE PARTICIPATING NATIONS, TAKING AS A
- BASIS THE INTERNATIONAL DOCUMENTS CITED IN ITS TEXT;

B. TO STUDY THE MEANS SUITABLE FOR ENSURING THE RESPECT

- AND A BETTER APPLICATION OF THE PRINCIPLE, AND IN
- PARTICULAR:
- - THE STUDY OF THE ADMINISTRATIVE REGULATIONS WHICH,
- THROUGH TOO RESTRICTIVE INTERPRETATIONS, CAN
- HINDER A FULL AND COMPLETE APPLICATION OF THE
- RIGHTS WRITTEN INTO THE LAW;
- - THE ADAPTATION OF THE REGULATIONS AND, IF NECESSARY,
- OF THE LAWS THEMSELVES IN VIEW OF HARMONIZING
- PRACTICE WITH THE GENERAL PRINCIPLES OF THE
- PERTINENT INTERNATIONAL DOCUMENTS, ETC.

C. THE DRAWING UP OF A LIST OF THE ALREADY MENTIONED

- MEANS THAT THE NATIONS WOULD BE PREPARED TO USE FOR
 - PROMOTING BETTER RESPECT AND BETTER APPLICATION OF
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- THE PRINCIPLE.

3. THE DATE OF THE EXPERTS' MEETING SHOULD BE SELECTED SO AS TO BE HALF-WAY BETWEEN THE BELGRADE MEETING AND THE FUTURE MEETING OF THE SAME TYPE.

4. ITS DURATION SHOULD NOT EXCEED THREE WEEKS OR ONE MONTH.

5. THE PLACE MUST BE THE OBJECT OF A LATER CHOICE. PARIS, THE CRADLE OF THE DECLARATION ON HUMAN RIGHTS AND OF THE RIGHTS OF THE CITIZEN, WOULD BE A SYMBOL AND COULD BE PROPOSED IF THIS WAS THE VIEW OF THE FRENCH AUTHORITIES.

6. AS HAS ALREADY BEEN FORESEEN FOR THE "SWISS PROJECT", RELATING TO THE PEACEFUL SETTLEMENT OF DIFFERENCES, THE EXPERTS WOULD REPORT ONLY TO THEIR OWN GOVERNMENTS.

7. TACTICAL CONSIDERATIONS

ACCEPTANCE BY THE EASTERN COUNTRIES OF AN EXPERTS' MEETING DEVOTED TO HUMAN RIGHTS WOULD ALREADY CONSTITUTE, IN ITSELF, A SUCCESS FOR THE WEST. BUT THE EVOLUTIONS CAN

ONLY BE SLOW. ALSO, BEYOND THIS IMMEDIATE SUCCESS, WE WILL HAVE TO SEE THAT THE PROCESS IS MAINTAINED. THE SOVIETS AND THEIR ALLIES WILL HAVE TO BE CONVINCED TO ACCEPT, LATER, A SECOND MEETING. THIS COULD TAKE PLACE AFTER THE MEETING FOLLOWING BELGRADE AND SO FORTH... UNDER THESE CONDITIONS, IF THE FIRST MEETING MUST BE THE OCCASION OF AN EXCHANGE OF VIEWS IN DEPTH, IT WOULD BE SUITABLE TO AVOID, AS FAR AS POSSIBLE, CONTROVERSIES AND POLEMICS.

8. NEGOTIATION OF THE PROPOSAL

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THERE SHOULD BE NO QUESTION OF NEGOTIATING THE ACCEPTANCE OF THIS PROPOSAL AGAINST THE ACCEPTANCE OF ANOTHER PROPOSAL. IT IS SOLELY A MATTER OF APPLYING A PRINCIPLE, THE TEXT OF WHICH PROVIDES EXPRESSLY FOR A COMMON ACTION ON THE PART OF THE COUNTRIES.

THE NATIONS THAT WOULD REFUSE THE PROPOSAL WOULD SEE THEIR ATTITUDE JUDGED BY PUBLIC OPINION.

9. A MEETING OF EXPERTS THUS CONCEIVED SHOULD IN NO WAY MODIFY THE EXISTING BILATERAL AND MULTILATERAL PRACTICES RELATIVE TO REGULAR INTERVENTION IN THE FRAMEWORK OF HUMAN RIGHTS, NOR THE PURSUIT OF OUR ACTION IN THE THIRD BASKET.

10. THE VERY TEXT OF THE PROPOSAL, WHICH IS GIVEN BELOW,

SHOULD BE THE FAITHFUL REFLECTION OF THE IDEA OF MODER-
ATION WE WISH TO IMPOSE.

11. BELGIUM WOULD LIKE TO RECEIVE THE VIEWS, COMMENTS AND
CRITICISMS OF THIS PROJECT.

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12. TEXT

PROPOSAL RELATING TO THE RESPECT AND APPLICATION OF THE
PRINCIPLE OF HUMAN RIGHTS AND BASIC FREEDOMS, INCLUDING
FREEDOM OF THOUGHT, OF CONSCIENCE, OF RELIGION, OR OF
CONVICTION.

CONSCIOUS OF THE OBLIGATION TO RESPECT AND APPLY EACH OF
THE PRINCIPLES OF THE HELSINKI FINAL ACT WHICH GOVERN
THE MUTUAL RELATIONS OF NATIONS AND WHICH ARE ALL OF
PRIME IMPORTANCE.

TAKING INTO ACCOUNT THE NEED TO STUDY MORE PARTICULARLY
THE MEANS FOR A BETTER APPLICATION OF THOSE PRINCIPLES
WHOSE APPLICATION REQUIRES A JOINT ACTION ON THE PART OF
ALL THE NATIONS HAVING SIGNED THE FINAL ACT.

DESIRING TO ACT IN STRICT RESPECT OF THE FINAL ACT.
(NOTE: AS CERTAIN WESTERN COUNTRIES BELIEVE IT PREFERABLE
TO AVOID A PREAMBLE TO RESOLUTIONS RELATING TO THE
CONSTITUTION OF EXPERTS' MEETINGS BECAUSE SUCH PREAMBLES
WOULD GIVE THESE DOCUMENTS TOO CLEAR A RESEMBLANCE TO THE
TEXT OF A TREATY OR TO THE TEXT OF THE FINAL ACT, WE
COULD RESERVE THE ABOVE TEXT FOR AN ORAL INTERVENTION, A
PRESENTATION, OR A CLOSING SPEECH AND PROPOSE OUR
DOCUMENT WITHOUT PREAMBLE.)

THE PARTICIPATING NATIONS DECIDE TO CONVOKE A MEETING OF
EXPERTS, THE AGENDA OF WHICH WILL BE:

A. TO STUDY THE MANNER IN WHICH THE PRINCIPLE OF HUMAN
RIGHTS AND BASIC FREEDOMS IS RESPECTED AND APPLIED IN THE
PARTICIPATING COUNTRIES, TAKING AS A BASIS THE FINAL ACT
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AS WELL AS THE INTERNATIONAL DOCUMENTS CITED IN ITS TEXT;

B. TO STUDY MEANS SUITABLE TO ENSURE A BETTER APPLICATION
OF THIS PRINCIPLE, AND IN PARTICULAR:

- - THE STUDY OF THE ADMINISTRATIVE RULES WHICH,
THROUGH TOO RESTRICTIVE INTERPRETATIONS, COULD HINDER A
FULL AND ENTIRE APPLICATION OF THE RIGHTS WRITTEN INTO
THE LAW;

- - THE ADAPTATION OF THE REGULATIONS AND, IF
NECESSARY, THE LAWS THEMSELVES, IN VIEW OF HARMONIZING THE
PRACTICE WITH THE GENERAL PRINCIPLES OF THE PERTINENT
INTERNATIONAL DOCUMENTS, ETC.

C. TO DRAW UP A LIST OF THE ALREADY MENTIONED MEANS THAT
THE NATIONS WOULD BE PREPARED TO USE TO PROMOTE BETTER
RESPECT AND BETTER APPLICATION OF THE PRINCIPLE. THIS
MEETING WILL BEGIN ONAT.....
IT WILL END ON

ITS WORK WILL TAKE PLACE ACCORDING TO THE RULES FOR WORK
AND PROCEDURE PROVIDED IN THE CHAPTER "FOLLOW-UP TO THE
CONFERENCE" OF THE FINAL ACT.
THE RESULTS OF THE WORK OF THIS EXPERTS' MEETING WILL BE
SUBMITTED TO THE GOVERNMENTS.

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